

**PROPOSED ORDINANCE NO. 88 - 2015**

AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AMENDMENT TO THE CERTAIN LEASE DATED AS OF FEBRUARY 2, 1990, BETWEEN NASSAU DISTRICT ENERGY CORP., NOW KNOWN AS NASSAU ENERGY, LLC, AS TENANT, OF CERTAIN PREMISES DESCRIBED AS SECTION 44, BLOCK F, P/O LOT 317C ON THE LAND AND TAX MAP OF NASSAU COUNTY LOCATED AT CHARLES A. LINDBERGH BOULEVARD, UNIONDALE, NEW YORK, ALL AS IN THE LEASE MORE PARTICULARLY DESCRIBED, AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE ALL PERTINENT DOCUMENTS IN CONNECTION THEREWITH TO CONSUMMATE THE LEASE AMENDMENT.

WHEREAS, pursuant to Ordinance No. 37-1990 the County of Nassau (the "County") leases to Nassau District Energy Corp., now known as Nassau Energy, LLC ("Tenant") the above-described property (hereinafter, the "Premises") pursuant to a Lease Agreement originally made between County of Nassau, as landlord, and Nassau District Energy Corp., as tenant, executed by the County as of February 2, 1990 (the "Lease");

WHEREAS, the County and Tenant desire to amend the Lease to enable the County to continue to allow Tenant to provide thermal energy to County and non-County users in and around the geographical area known as the Nassau Hub;

BE IT ORDAINED BY THE LEGISLATURE OF THE COUNTY OF NASSAU AS  
FOLLOWS:

Section 1. The County Legislature of Nassau County hereby authorizes the County Executive to execute, on behalf of Nassau County, the Amendment, and to execute any and all other instruments and to take such other action as is necessary to effectuate the terms of the Lease and to carry out the purposes of the Amendment, as amended by the Amendment.

Section 2. Severability. If any part of or provision of this Ordinance or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Ordinance, or the application thereof to either persons or circumstances.

Section 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(26) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

Section 4. This ordinance shall take effect immediately.

